

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

LISA N. CONE-SWARTZ,

Plaintiff,

vs.

PRESS GANEY ASSOCIATES, INC.,

Defendant.

Civil Action No. 4:13-CV-258-D

JOINT MOTION TO STAY

Plaintiff Lisa N. Cone-Swartz (“Plaintiff”) and Defendant Press Ganey Associates, Inc. (“Defendant”) hereby jointly move the Court for a 90-day stay in these proceedings, including the intervening dispositive motions deadline, so that limited discovery can proceed in the sister action recently filed by Plaintiff against Defendant and others before the United States District Court for the District of Delaware.

I. BACKGROUND

Plaintiff filed the above-captioned action (“North Carolina Federal Action”) against Defendant on December 16, 2013, alleging various acts of employment discrimination. Approximately six months later, in June 2014, Defendant bought out Plaintiff’s “units” or shares of ownership in Defendant (the “Shares”) which she had accumulated during her employment with Defendant. In November 2014, Plaintiff filed an action related to that buyout (“North Carolina State Action”). Plaintiff voluntarily dismissed the North Carolina State Action on March 18, 2015 before any discovery was conducted in that matter and re-filed a similar action regarding the Shares in Delaware federal court on April 27, 2015 (“Delaware Action”) pursuant to a forum selection clause found in the Subscription Agreements covering the Shares.

II. THE PARTIES JOINTLY REQUEST A 90-DAY STAY TO ALLOW LIMITED DISCOVERY TO UNFOLD IN THE DELAWARE ACTION

The parties have engaged in some settlement discussions throughout these matters. However, Plaintiff is not prepared to settle her Delaware Action without some discovery upon which Plaintiff can determine her damages and make a determination regarding what would be a fair resolution of that matter.

The parties do believe they may be able to settle all matters globally once some discovery is conducted in the Delaware Action. Further, both parties wish to avoid expending additional costs and resources litigating this case where these same resources could otherwise be put toward a global resolution of all lawsuits. Accordingly, the parties request that this Court stay this North Carolina Federal Action, including the intervening motions deadline, for a period of 90 days while the parties conduct limited discovery in the Delaware Action and continue to explore resolution of all matters.

Dated: June 25, 2015

/s/ Christine Mayhew

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Attorneys for Defendant
PRESS GANEY ASSOCIATES, INC.

CERTIFICATE OF SERVICE

This is to certify that on June 25, 2015, the undersigned filed the foregoing using the Court's CM/ECF system which will send notification of such filing to the appropriate CM/ECF participants and served plaintiff's future counsel by U.S. mail, first class, proper postage affixed thereto.

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